

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 28 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 11-10-13 IS ADDED TO THE INDIANA CODE
- 4 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 5 1, 2003]:
- 6 **Chapter 13. Costs of Incarceration**
- 7 **Sec. 1. The department may adopt rules under IC 4-22-2 to**
- 8 **implement this chapter.**
- 9 **Sec. 2. The department shall develop a methodology for**
- 10 **determining the average daily cost of incarcerating an offender.**
- 11 **Sec. 3. The department shall determine the average daily cost**
- 12 **of incarcerating an offender in:**
- 13 **(1) the department; and**
- 14 **(2) each county jail.**
- 15 **Sec. 4. The department shall provide each court with**
- 16 **jurisdiction over felony and misdemeanor cases a report**
- 17 **enumerating the average daily costs of incarcerating an offender.**
- 18 **Sec. 5. (a) The department shall update the report twice each**
- 19 **calendar year. However, if the average daily cost of incarcerating**
- 20 **an offender deviates less than one percent (1%) from the**
- 21 **previous cost determination, the report does not need to be**

1 updated.

2 (b) The department shall update the report, if necessary, after
3 receiving the biannual incarceration cost analysis from each
4 county sheriff under IC 11-12-4-3.

5 Sec. 6. The department may, upon approval by the department,
6 use the biannual incarceration cost analysis of a county sheriff
7 under IC 11-12-4-3 as the daily cost of incarcerating an offender
8 in that county jail.

9 SECTION 2. IC 11-12-4-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The county
11 sheriff shall adopt rules for the maintenance of order and discipline
12 among persons committed to the county jail. These rules must describe
13 the conduct for which disciplinary action may be imposed, the type of
14 disciplinary action that may be taken, and the disciplinary procedure to
15 be followed. The rules and possible disciplinary action must be made
16 available to all persons committed to the county jail. The disciplinary
17 action imposed must be proportionate to the seriousness of the
18 violation.

19 (b) Each county sheriff shall, on or before June 30 and January
20 31 of each year, provide to the department the average daily cost
21 of incarcerating an offender in the county jail. The average daily
22 cost of incarcerating an offender in the county jail shall be
23 determined by using the methodology developed by the
24 department under IC 11-10-13."

25 Page 1, between lines 8 and 9, begin a new paragraph and insert"

26 "SECTION 4. IC 35-41-1-26.8 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2003]: Sec. 26.8. "Total costs of incarceration" means the
29 average daily cost of incarcerating an offender, as described in
30 IC 11-10-13, multiplied by the number of days the offender is
31 sentenced to a term of imprisonment.

32 SECTION 5. IC 35-38-1-5 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) When the
34 defendant appears for sentencing, the court shall inform him of the
35 verdict of the jury or the finding of the court. The court shall afford
36 counsel for the defendant an opportunity to speak on behalf of the
37 defendant. The defendant may also make a statement personally in his
38 own behalf and, before pronouncing sentence, the court shall ask him
39 whether he wishes to make such a statement. Sentence shall then be
40 pronounced, unless a sufficient cause is alleged or appears to the court
41 for delay in sentencing.

1 **(b) A court that sentences a person to a term of imprisonment**
2 **shall include the total costs of incarceration (as defined in**
3 **IC 35-41-1-26.8) in the sentencing order. The court may not**
4 **consider Class I credit under IC 35-50-6-3 in the calculation of the**
5 **total costs of incarceration."**

6 Renumber all SECTIONS consecutively.
 (Reference is to ESB 28 as printed April 1, 2003.)

Representative Turner